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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,329

07/24/2003

Richard Anthony

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7590

10/05/2004

DECKER, JONES, MCMACKIN, MCCLANE, HALL &

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FORT WORTH, TX 76102-6836

EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

**Application No.**

10/626,329

**Applicant(s)**

ANTHONY ET AL.

**Examiner**

Anh V La

**Art Unit**

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/24/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkcan in view of VonDrasek.

Regarding claims 1 and 11, Berkcan discloses an apparatus/method for detecting a hazardous fire condition comprising a stove top 10 having one or more heating element, an array of sensors 24, 28, for sensing at least two physical parameters of the stove top, a processor 40 having inputs connected to the sensor array and an output to indicate the presence of a hazardous fire condition, the processor distinguishing a predetermined hazardous fire condition from a non-hazardous fire condition based upon the inputs and producing an output to indicated whether the condition is hazardous or non-hazardous. Berkcan does not clearly disclose the processor comprising a neural network. VonDrasek teaches the use of a processor comprising a neural network (abstract, column 13, lines 55-67, col. 17, lines 30-38, col. 18, lines 5-10). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a neural network to the processor of the apparatus/method of Berkcan as taught by VonDrasek for the purpose of effectively distinguishing a predetermined hazardous fire condition from a non-hazardous fire

condition based upon the inputs and producing an output to indicated whether the condition is hazardous or non-hazardous.

Regarding claims 2 and 12, Berkcan discloses a temperature sensor 28 and at least one optical sensor 24.

Regarding claim 4, Berkcan discloses an infrared sensor 24 (column 4, lines 59-67).

3. Claims 3, 5-7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkcan in view of VonDrasek as applied to claim 4 above, and further in view of Wong.

Regarding claim 3, 5-7, and 13, Berkcan in view of VonDrasek teaches all the claimed subject matter as set forth above in the rejection of claim 4, but does not disclose an ultraviolet light sensor (claim 3), a carbon monoxide sensor (claims 5-6, and 13), and a hydrocarbon sensor (claim 7). Wong teaches the use of an ultraviolet light sensor (col. 1, lines 25-40), a carbon monoxide sensor (col. 6, lines 25-40), and a hydrocarbon sensor (col. 8, lines 5-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include an ultraviolet light sensor, a carbon monoxide sensor, and a hydrocarbon sensor to the apparatus/method of Berkcan (as modified by VonDrasek) as taught by Wong for the purpose of effectively detecting a hazardous fire condition.

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4. Claims 8-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkcan in view of VonDrasek as applied to claim 1 above, and further in view of Birging.

Regarding claims 8-10 and 14, Berkcan in view of VonDrasek teaches all the claimed subject matter as set forth above in the rejection of claim 1, and further discloses a control unit 42, but does not disclose the control unit turning off the stove heating element in response to a hazardous condition output (claims 8 and 14), a wireless channel (claim 9), the sensor unit being located above the stove top and beneath a microwave oven (claim 10). Birging teaches the use of a control unit turning off a heating element in response to a hazardous condition output (col. 6, lines 1-15), a wireless channel (col. 6, lines 1-15), the sensor unit being located above the stove top and beneath a microwave oven (figures 1-3, col. 2, lines 15-55). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the control unit turning off the stove heating element in response to a hazardous condition output, a wireless channel, the sensor unit being located above the stove top and beneath a microwave oven to the apparatus of Berkcan (as modified by VonDrasek) as taught by Birging for the purpose of avoiding a hazardous fire event.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stehling, Galosky, and Nishii teach fire extinguishing systems.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
September 24, 2004